

OCT 17 2017

Edwards,Michelle

From: Jeffrey Pickett [jeffreyopickett@gmail.com]
Sent: Monday, October 16, 2017 5:32 PM
To: City Council
Subject: *Ext!* Sewage bill appeal (per recommendation of Board of Sanitary Commissioners)
Attachments: 9 6 16 (2).doc; 2227 N 26th - John&John Letter on Water Leak.pdf; 2227 N 26th - John&John Repair Order - Water Leak.pdf; Pickett 2227 N 26th street AW Readings.pdf

CITY CLERK

****External Email - Think Before You Click****

- Helpdesk

Dear Terre Haute City Council,

I filed an appeal with the Board of Sanitary Commissioners in 2016 (see yellow highlighted section in the Word attachment; text included at end of this email as well) requesting an adjustment to a very large (\$4,107) sewage bill due to a water leak at my rental property at 2227 N 26th Street in Terre Haute.

As you can read in the appeal, the Board was sympathetic to my case, but recommended that I appeal to the City Council given the wording of the ordinance. I provide more details below.

My Appeal (and the reason for the appeal)

- Because the water leak started when the tenant, Ms. Duncan, moved into the house, six months of usage for this tenant at this house does not exist. Therefore, the local sewage office was not allowed to make adjustments given the City of Terre Haute Code (Sec 9-112, b.6.). And the Board of Sanitary Commissioners recommended that I appeal my case to the City Council given the wording of the ordinance.
- The leak occurred over two months because American Water did not do an actual reading at the end of the first month of the water leak. The leak was only discovered when they did an actual reading at the end of the 2nd month. Even though American Water did adjust the initial water bill, the leak would have been detected sooner if they had read the meter at the end of the first month.
- **I believe the "spirit" of the code on six months of usage is to provide a guide to the local sewage office personnel to make reasonable judgments on the amount of normal usage;** therefore, I am asking that the City Council to consider the following:
 - Water usage at this location during other months of service to establish a more reasonable amount to make the sewage bill adjustment
 - For example, the highest water bill at this address in the preceding months was 3 CCL (or 300 cubic feet), while the average was around 2 CCL. As you can see in the final attachment (which I received from the local sewage office), the usage for the first month of the leak was 1,110 CCL (or 370 times higher than the highest preceding month).
- None of the leaking water went into the sewage system as confirmed by plumbers John & John Associates (see attachment, which was emailed to local sewage office).
- The leak was fixed by John & John Associates and there have been no issues since (see repair order attachment, which was emailed to local sewage office).

Note that I also appreciate the City Council's efforts to address sewage bills due to water leaks in the recent General Ordinance no. 8, 2017, but unfortunately this new ordinance does not address the issue of having six months of prior usage per Sec 9-112, b.6. **Therefore, I am asking the City Council to hear my appeal to reduce my sewage bill.** To be certain, the inability for the local sewage office to make the adjustment appears to be because of a technicality (i.e., the 6 month requirement), and again, I feel this is not consistent with the spirit of the code, nor the City Council's recent efforts to help citizens via the latest General Ordinance.

Please let me know what steps should be and I thank you in advance for your consideration. I should also note that I am reaching out to the City Council now because I did not receive the Meeting Minutes from my 2016 appeal until earlier today and the Board of Sanitary Commissioners recommended that I include these minutes in my appeal.

Sincerely,

Jeff Pickett
[317-847-8019](tel:317-847-8019)

Additional Background Information:

Ordinance in question: Sec 9-112, b.6. Current account holder must have at least six (6) months of normal/typical sewage account usage prior to evidence of leak usage at the specified location upon which to calculate an average billing statement

General Ordinance, No. 8, 2017 passed on Aug 10, 2017 (which appears to not apply to my case): Sec 9-112. b. 7. Only the highest single month of usage charged during the excess water usage shall be considered for adjustment. However, one (1) contiguous month to the highest single month may also be considered for an adjustment of up to fifty percent (50%) of the highest single month adjustment but in no case shall the contiguous month be adjusted lower than the average of the previous six (6) months of usage excluding the highest single month originally sought for adjustment.

SEWAGE BILL APPEAL - JEFFREY PICKETT

Jeffrey Pickett addressed the Board via telephone regarding a leak that occurred at 2227 North 26th Street. Mr. Pickett stated the reasoning behind his appeal. There was not 6 months prior service for the current tenant. He asked the Board to consider other periods of time, either past or present to determine normal usage so that an adjustment can be made. Mr. Pickett said that over \$4000 is a hardship. Tim Adams asked where the water was going. Mr. Pickett said that there is a pipe going into the yard feeding into an old pit. The valve became open, water flowed straight into the back yard into this pit. None of it went down the drain. His plumber assured him that there is no way that it could have gone into the City sewer. Mr. Pickett said there was six months usage for a prior tenant and 6 months from the current tenant. He believes this shows typical usage. Brad Spiedel updated the Board on what has occurred up until this point. Mr. Pickett had a leak adjustment from IAWC this equated to \$4,107. Mr. Spiedel also adjusted all late fees which equaled \$821. Mr. Spiedel said he applies the rules evenly and consistently. Mr. Pickett said the reason for his appeal is because it is such a large amount of money which represents a hardship. Mr. Bush asked if this was something that could be appealed at City Council. Mr. Ennis said that last appellant addressed the City Council and he hasn't heard what the outcome was. Mr. Modesitt said this Ordinance doesn't allow for that but that is probably where it needs to go. Mr. Modesitt said these are sympathetic cases, it is not that we don't feel sympathy. We just have to go by this Ordinance. Mr. Modesitt that the Ordinance should probably address new construction or vacant property. Mr. Pickett said that he is happy to speak to the City Council if that is where he needs to go. Mr. Bush said they he feels that is an issue that City Council needs to take under consideration.

Mr. Bush said he doesn't feel like the Board had the authority in the language that they have been presented to grant an approval. Mr. Bush encouraged Mr. Pickett to draft

correspondence to City Council.

**Minutes of a Regular Meeting of the
Board of Sanitary Commissioners
Terre Haute, IN
September 6, 2016**

A Regular Meeting of the Board of Sanitary Commissioners of the City of Terre Haute, Indiana was held in the Mayor's Conference Room on the third floor, City Hall, 17 Harding Avenue, Terre Haute, Indiana, on the 6th day of September 2016, at 10:00 a.m. Those present were Chuck Ennis, Brad Bush, Jim Winning, Larry Auler, and Tim Adams for the Board of Sanitary Commissioners. Terry Modesitt was also present.

Also present were Jennifer Bolen, Sally Roetker, and Marc Maurer of the City Engineers Office; Mark Thompson of the Waste Water Treatment Plant; Troy Swan of HWC; Brad Spiedel; Howard Grineneger of the Tribune Star; and Richard Shagley.

The meeting was called to order by President Brad Bush. He opened the floor to public comments.

Richard Shagley asked who is hauling sludge. Mark Thompson said we haven't been hauling any sludge out other than when they did the centrifuges. Mr. Shagley asked what is being hauled in. Mark Thompson said we are taking West Terre Haute and Riley, we aren't taking Sullivan. He said that we had helped Farmersburg or Shelburn, he couldn't remember. Mr. Shagley asked who is doing the hauling. Mr. Thompson said we are.

APPROVE MINUTES

The minutes from the August 16th meeting were presented to the Board.

It was moved by Tim Adams, seconded by Larry Auler, and unanimously approved that minutes from the August 16th, 2016 meeting be approved.

APPROVE CLAIMS

The list of claims was presented to the Board for Sanitary District General and Waste Water Treatment Plant and discussed.

It was moved by Charles Ennis, seconded by Jim Winning, and unanimously approved that attached claims be approved.

2017 SANITARY DISTRICT BUDGETS

Charles Ennis said that budgets are not ready. The bond budget is ready, the general is not. The Sanitary District budget will be put into the WWTP budget. The formal budget approval will be made by City Council. The Sanitary Board will review and approve and sent on to City Council. Tim Adams asked if we can combine the Sanitary District and WWTP budgets. Terry Modesitt said he would check into it.

SEWAGE BILL APPEAL - JEFFREY PICKETT

Jeffrey Pickett addressed the Board via telephone regarding a leak that occurred at 2227 North 26th Street. Mr. Pickett stated the reasoning behind his appeal. There was not 6 months prior service for the current tenant. He asked the Board to consider other periods of time, either past or present to determine normal usage so that an adjustment can be made. Mr. Pickett said that over \$4000 is a hardship. Tim Adams asked where the water was going. Mr. Pickett said that there is a pipe going into the yard feeding into an old pit. The valve became open, water flowed straight into the back yard into this pit. None of it went down the drain. His plumber assured him that there is no way that it could have gone into the City sewer. Mr. Pickett said there was six months usage for a prior tenant and 6 months from the current tenant. He believes this shows typical usage. Brad Spiedel updated the Board on what has occurred up until this point. Mr. Pickett had a leak adjustment from IAWC this equated to \$4,107. Mr. Spiedel also adjusted all late fees which equaled \$821. Mr. Spiedel said he applies the rules evenly and consistently. Mr. Pickett said the reason for his appeal is because it is such a large amount of money which represents a hardship. Mr. Bush asked if this was something that could be appealed at City Council. Mr. Ennis said that last appellant addressed the City Council and he hasn't heard what the outcome was. Mr. Modesitt said this Ordinance doesn't allow for that but that is probably where it needs to go. Mr. Modesitt said these are sympathetic cases, it is not that we don't feel sympathy. We just have to go by this Ordinance. Mr. Modesitt that the Ordinance should probably address new construction or vacant property. Mr. Pickett said that he is happy to speak to the City Council if that is where he needs to go. Mr. Bush said they he feels that is an issue that City Council needs to take under consideration. Mr. Bush said he doesn't feel like the Board had the authority in the language that they have been presented to grant an approval. Mr. Bush encouraged Mr. Pickett to draft correspondence to City Council.

It was moved by Larry Auler, seconded by Charles Ennis, and unanimously approved that the appeal be denied.

SEWER ACCEPTANCE FOR TERRE VISTA GLEN SUBDIVISION

Marc Maurer has put this item on the agenda and requested that it be tabled again.

On motion of Tim Adams, seconded by Tim Adams, and unanimously approved, it was resolved that Sewer Acceptance for Terre Vista Glen Subdivision be tabled.

OTHER

Mr. Thompson informed the Board that if they would like tours of the WWTP they can contact him to set up time.

ADJOURNMENT

The next regular meeting of the Sanitary Board will be held on September 20, 2016 at 10:00 a.m. in the Mayor's Conference Room, 3rd Floor, City Hall, 17 Harding Avenue, Terre Haute, Indiana.

APPROVED on the _____ day of _____, 2016.

Brad Bush, President

Tim Adams, Vice President

Jim Winning, Secretary

Larry Auler, Member

Chuck Ennis, Member

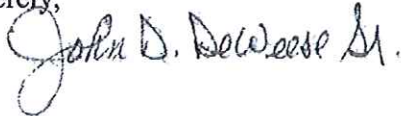
John & John Associates, Inc.

February 25, 2016

To Whom It May Concern:

Regarding the home at 2227 N. 26th St. Terre Haute for Jeff Pickett, during the time that this water usage had occurred (September through December 2015), we, John & John Associates, found and determined that the water was being discharged through an old water line to back yard pit, due to an open valve on water system. Since that time this line has been removed and capped inside basement. Because of the happening it is our statement that the large usage of water had never entered the city sewer.

Sincerely,

A handwritten signature in dark ink that reads "John D. DeWeese Sr." The signature is written in a cursive style with a large, looped initial 'J'.

John DeWeese Sr.

1016 W. Jackson St.
Brazil, IN 47834
812-442-7800

John & John Associates Inc.

General Contractor

INVOICE

018521

1016 W. Jackson St. • P.O. Box 617, Brazil, IN 47834
Specializing In Plumbing & Carpentry

812-442-7800 • 877-889-0870 • 812-234-7300

Brazil • Terre Haute • Clay City

Greencastle 765-655-1515

DATE OF ORDER

12/2/2015

CUSTOMER'S ORDER NO.	PHONE	MECHANIC <i>Phil / Frank</i>	HELPER <i>Phil</i>	STARTING DATE 12/2/2015
BILL TO <i>Teff Pickle H</i>				<input checked="" type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA
ADDRESS <i>2135 Northwood Blvd</i>				
CITY <i>Royal Oaks, Michigan 48073</i>				
JOB NAME AND LOCATION <i>Rental: 2227 W. 26th Terre Haute, IN</i>				
				JOB PHONE

DESCRIPTION OF WORK

- 1) Worked with communicating with water company and Jeff about issues with high water bills.
- 2) On 12/28/2015 Met with water company to report and determined that a valve going to old well system had been turned on and back feeding into well.
- 3) Disconnected the old well valve from system so valve couldn't be turned back on and also capped line.

Total Material & Labor
\$240.00

+ Previous Ticket # 018345 \$75.00

DUE UPON RECEIPT

1.8% interest added after 5 days and every 30 days thereafter
(Minimum interest of \$5.00)

DATE COMPLETED

12/28/2015

TOTAL MATERIALS

TOTAL LABOR

TAX

TOTAL AMOUNT

I hereby acknowledge the satisfactory completion of the above described work.

☐ No one home

☐ Total amount due for above work; or

☐ Total billing to be mailed when job finished.

Signature _____

Any account 30 days past due will be subject to collection. Customer will be liable for all attorney's fees, collection fees, and court costs resulting from non-payment.



Premise Usage Transaction Report
 INTERRHAUT - City of Terre Haute
 Transactions Dated: 04/18/2015 to 04/18/2016

Premise: 9100094049 Status: SvcTapped/Meter Set Need Turnon Service: 2227 N 26 St
 Municipality: City of Terre Haute Terre Haute, IN 47804-3714
 Meter Read Route: TER09629 Route Read Dates — Previous: 04/12/2016 Current: 05/11/2016 Next: 06/10/2016 Last Bill: 04/13/2016
 Account: 220012792472 Name: [REDACTED] Status: Active
 Account Connect Date: 03/01/2016 Mailing: [REDACTED] Customer: 1201306205
 Account Discontinued Date: Terre Haute, IN 47804-3714
 Account Class: Residential
 Cut In Landlord: N

Transaction Type	Transaction Date	Transaction Number	Billed Usage	Unit of Measure	Days Billed
Move In Bill	03/17/2016	602502411241	0.00	CGL	14
Reg Bill Actual Read	04/13/2016	612502349370	14.96	CGL	29

Readings

Meter Number	Current Read Date	Current Reading	Previous Read Date	Previous Reading	Current Reading Type	Metered Usage	Unit of Measure
087588071A	03/14/2016	1580.0	03/01/2016	1580.0	Actual	0.00	CCF
087588071A	04/12/2016	1582.0	03/14/2016	1580.0	Actual	2.00	CCF

Account: 220011717485 Name: [REDACTED] Status: Inactive
 Account Connect Date: 11/20/2015 Mailing: 711 Ohio St Customer: 1100260733
 Account Discontinued Date: 02/29/2016 Terre Haute, IN 47807-3717
 Account Class: Residential
 Cut In Landlord: N

Transaction Type	Transaction Date	Transaction Number	Billed Usage	Unit of Measure	Days Billed
Move In Bill	01/06/2016	655002116358	0.00	CGL	21
Reg Bill Actual Read	01/18/2016	675001631687	0.00	CGL	34
Reg Bill Actual Read	02/15/2016	632501729786	0.00	CGL	28
Closing Bill	03/02/2016	733750040912	7.48	CGL	19

Readings

Meter Number	Current Read Date	Current Reading	Previous Read Date	Previous Reading	Current Reading Type	Metered Usage	Unit of Measure
087588071A	12/10/2015	1579.0	11/20/2015	1579.0	Actual	0.00	CCF
087588071A	01/13/2016	1579.0	12/10/2015	1579.0	Actual	0.00	CCF
087588071A	02/10/2016	1579.0	01/13/2016	1579.0	Actual	0.00	CCF
087588071A	02/29/2016	1580.0	02/10/2016	1579.0	Actual	1.00	CCF

Account: 220010754092 Name: Jami Duncan Status: Inactive
 Account Connect Date: 09/14/2015 Mailing: 7839 N 42nd St Customer: 1201190058
 Account Discontinued Date: 11/12/2015 Terre Haute, IN 47805-9562
 Account Class: Residential
 Cut In Landlord: N

Transaction Type	Transaction Date	Transaction Number	Billed Usage	Unit of Measure	Days Billed
Move In Bill	11/04/2015	100001882571	7.48	CGL	29
Closing Bill	01/06/2016	200000248485	8302.80	CGL	31

Readings

Meter Number	Current Read Date	Current Reading	Previous Read Date	Previous Reading	Current Reading Type	Metered Usage	Unit of Measure
087588071A	10/12/2015	468.0	09/14/2015	467.0	Estimate	1.00	CCF
087588071A	11/12/2015	1578.0	10/12/2015	468.0	Actual	1110.00	CCF

4/18/2016

Usage Data Premise Report

Account: 220006823739
 Account Connect Date: 11/07/2014
 Account Discontinued Date: 08/10/2015
 Account Class: Residential
 Cut In Landlord: N

Name: [REDACTED]
 Mailing: P.O. Box 5001
 Terre Haute, IN 47805-0001

Status: Inactive
 Customer: 1200760976

Transaction Type	Transaction Date	Transaction Number	Billed Usage	Unit of Measure	Days Billed
Reg Bill Actual Read	05/14/2015	647500994347	14.96	CGL	29
Reg Bill Actual Read	06/12/2015	607501730243	14.96	CGL	29
Reg Bill Actual Read	07/16/2015	635001268127	22.44	CGL	34
Closing Bill	08/11/2015	727500040411	7.48	CGL	27

Readings

Meter Number	Current Read Date	Current Reading	Previous Read Date	Previous Reading	Current Reading Type	Metered Usage	Unit of Measure
087588071A	05/12/2015	461.0	04/13/2015	459.0	Actual	2.00	CCF
087588071A	06/10/2015	463.0	05/12/2015	461.0	Actual	2.00	CCF
087588071A	07/14/2015	466.0	06/10/2015	463.0	Actual	3.00	CCF
087588071A	08/10/2015	467.0	07/14/2015	466.0	Actual	1.00	CCF

Account: 220005427213
 Account Connect Date: 08/08/2014
 Account Discontinued Date: 11/06/2014
 Account Class: Residential
 Cut In Landlord: N

Name: Jeff Pickett
 Mailing: 2135 Northwood Blvd
 Royal Oak, MI 48073-3925

Status: Inactive
 Customer: 1200598977

Transaction Type	Transaction Date	Transaction Number	Billed Usage	Unit of Measure	Days Billed
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Readings

Meter Number	Current Read Date	Current Reading	Previous Read Date	Previous Reading	Current Reading Type	Metered Usage	Unit of Measure
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Account: 220001076163
 Account Connect Date: 08/26/2013
 Account Discontinued Date: 08/05/2014
 Account Class: Residential
 Cut In Landlord: N

Name: [REDACTED]
 Mailing: [REDACTED]
 Terre Haute, IN 47807-1111

Status: Inactive
 Customer: 1200117605

Transaction Type	Transaction Date	Transaction Number	Billed Usage	Unit of Measure	Days Billed
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Readings

Meter Number	Current Read Date	Current Reading	Previous Read Date	Previous Reading	Current Reading Type	Metered Usage	Unit of Measure
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Account: 210005374794
 Account Connect Date: 05/10/2013
 Account Discontinued Date: 08/25/2013
 Account Class: Residential
 Cut In Landlord: N

Name: [REDACTED]
 Mailing: [REDACTED]
 Terre Haute, IN 47805-9502

Status: Inactive
 Customer: 1100811562

Transaction Type	Transaction Date	Transaction Number	Billed Usage	Unit of Measure	Days Billed
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Readings

Meter Number	Current Read Date	Current Reading	Previous Read Date	Previous Reading	Current Reading Type	Metered Usage	Unit of Measure
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Units of Measure Reference	
CGL - 100 Gallons	CCF - 100 Cubic Feet
DFT - 10 Cubic Feet	DCG - 1000 Gallons
1 CF - Cubic Foot	1 GL - US Gallon
MG AW - Millions of Gallons	1000 CF - 1000 Cubic Feet
TG AW - Thousand Gallons	10 KGL - 10 Thousand Gallons
10 GL - 10 Gallons	